

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

BRANNON WHITE, individually and on behalf of
all others similarly situated,

Plaintiff,

v.

EOG RESOURCES, INC.,

Defendant.

CASE NO: 1:22-CV-00025-KWR-SCY

JURY TRIAL DEMANDED

ORDER GRANTING THE PARTIES' JOINT STIPULATION
REGARDING CONDITIONAL CERTIFICATION

BEFORE THE COURT is the Parties' Joint Stipulation Regarding Conditional Certification (Dkt. 38) ("Joint Stipulation") filed by Plaintiff Brannon White ("White" or "Plaintiff"), individually and on behalf of all others similarly situated, and Defendant EOG Resources, Inc. ("EOG" or "Defendant") (together with Plaintiff White, the "Parties").

Having reviewed the Joint Stipulation and the applicable law governing conditional certification under the Fair Labor Standards Act ("FLSA"), 29 U.S.C. §216(b), the Court hereby **GRANTS** the Joint Stipulation, **APPROVES** the Notice and Consent Forms and the Email and Text Message Scripts that are attached to the Joint Stipulation as Exhibit 1, and **ORDERS** as follows:

1. The following Class is conditionally certified as a collective action under 29 U.S.C. §216(b):

All Drilling Consultants who provided services to EOG in the Permian Basin division, including Texas and/or New Mexico, in the last three years prior to the date the Court signs this Order to present (the "Putative Collective Members").

2. This Stipulation is not an admission, concession, or acknowledgment as to any underlying substantive issue in this controversy. By agreeing to this stipulation and class definition, EOG is not limiting, waiving, or modifying any defenses, including but not limited to that it is not

liable for all or any part of any alleged damages that Plaintiff and the Putative Collective Members claim to have incurred during this time period, that Plaintiff and the Putative Collective Members are not similarly situated under 29 U.S.C. § 216(b), that this case is not appropriate for collective action treatment, or EOG's right to later move for decertification.

3. **Within fourteen (14) days of this Order**, EOG shall provide to Plaintiff's counsel the names, last known addresses, personal email addresses, telephone numbers, and dates of work of the Putative Collective Members in a usable electronic format.

4. The Notice and Consent Forms and the Email and Text Message Scripts that are attached as Exhibit 1 to the Joint Stipulation shall be used for purposes of informing the Putative Collective Members of this lawsuit and their right to participate.

5. **Within twenty-one (21) days of this Order**, Plaintiff's Counsel shall send the Notice and Consent Form to the Putative Collective Members via First Class mail, email, and text message. The mailed, emailed, and texted Notice and Consent Form shall be sent on the same day, and Plaintiff's Counsel shall advise Defendant's counsel of the date of sending promptly after mailing occurs.

6. Plaintiff's Counsel is authorized to send via First Class U.S. mail, email, and text message a second identical copy of the Notice and Consent forms to any Putative Collective Member who has not yet returned a consent form to Plaintiff's counsel **thirty (30) days from the date of initial mailing and emailing** of the Notice to Putative Collective Members.

7. Putative Collective Members shall have **sixty (60) days from the date of initial mailing and emailing** of the Notice to file their Consent opting into this lawsuit as plaintiffs. Plaintiff's counsel shall date stamp any returned consents on the day they are received in counsel's office ("received date") and retain any envelope or other evidence showing the date the consent form was postmarked, faxed, and submitted electronically. Putative Collective Members who file their

Consents after the deadline may join this case only by consent of all Parties or by Court order upon good cause shown. Within **three (3) business days after the close of the Opt-In Period**, Plaintiff's counsel will file the consent forms with the Court, noting the received date for each individual on the Notice of Filing. For statute of limitations purposes, the date a consent form was received by Plaintiff's counsel will be the date the consent form is considered to be filed with the Court.

IT IS SO ORDERED.

SIGNED ON THIS 5TH DAY OF OCTOBER 2022.



KEA W. RIGGS
UNITED STATES DISTRICT JUDGE

RESPECTFULLY SUBMITTED:

By: /s/ Taylor Montgomery

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